

I have talked a lot about principle. We should also make this a little more tangible. So let's take a look at what would happen if in fact the legislative filibuster were gone. If the Democratic majority were to attack the filibuster, they would guarantee themselves immediate chaos, especially in this 50-50 Senate. This body operates every day and every hour by consent, and destroying the filibuster would drain comity and consent from this body to a degree that would be unparalleled in living memory.

So let's look at some examples.

The Constitution requires the Senate to have a quorum to do any business. Right now, a quorum is 51, and the Vice President does not count to establish a quorum. The majority cannot even produce a quorum on their own, and one could be demanded by any Senator at almost any time.

Our committees need quorums to function as well. They will also be evenly split. If this majority went scorched-earth, this body would grind to a halt like we have never seen. Technically, it takes collegiality and consent for the majority to keep acting as the majority at any time they do not physically—physically—have the majority.

In a scorched-earth, post-nuclear Senate that is 50-50 like we have today, every Senate Democrat and the Vice President could essentially just block out the next 2 years on their calendar. They would have to be here all the time.

It takes unanimous consent to schedule most votes, to schedule speeches, to convene before noon, to schedule many hearings and markups. As Democrats just spent 4 years reminding us, it takes consent to confirm even the lowest level nominees at anything beyond a snail's pace.

None of us has ever seen a Senate where every single thing either happens in the hardest possible way or not at all. Heck, once or twice every day the majority leader reads through an entire paragraph of routine requests. Objections could turn each one into multiple, lengthy rollcall votes.

None of us on either side wants to live in a scorched-earth Senate. The institution and the American people deserve a lot better. But there is no doubt—none—that is what we would see if Democrats tear up this pivotal rule. It would become immediately and painfully clear to the Democratic majority that they had indeed just broken the Senate.

This gambit would not speed the Democrats' ambitions. It would delay them terribly, and it would hamstring the Biden Presidency over a power grab which the President has spent decades warning against and still opposes.

Finally, at some point, the shoe would find its way to the other foot. When Republicans next control the government, we would be able to repeal every bill that had just been rammed through, and we would set about de-

fending the unborn, exploring domestic energy, unleashing free enterprise, defunding sanctuary cities, securing the border, protecting workers' paychecks from union bosses—you get the picture.

But a few years later, the Democrats would try to flip it all back. So instead of building stable consensus, we would be chaotically swapping party platforms, swinging wildly between opposite visions that would guarantee half the country is miserable and resentful at any given time. We would have inherited resilient institutions but left behind a chaotic mess.

We are in a politically charged period, but when factional fever runs hot, when slender majorities are most tempted to ram through radicalism, these are the times for which the guardrails exist in the first place.

Republicans said no—emphatically no—to pushing the Senate over this precipice. When I could have tried to grab the power, I turned it down. I said: "President Trump, no," repeatedly, because the Nation needs us to respect the Framers' design and the Senate's structure, and because, as I said in a different context on January 6, we have a higher calling than endless partisan escalation.

We have placed our trust in the institution itself, in a common desire to do the right thing. I am grateful that has been reciprocated by at least a pair of our colleagues across the aisle. I am glad that we have stepped back from this cliff. Taking that plunge would not be some progressive dream; it would be a nightmare. I guarantee it.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The senior assistant legislative clerk read the nomination of Antony John Blinken, of New York, to be Secretary of State.

The ACTING PRESIDENT pro tempore. Under the previous order, the time until 12 noon will be equally divided between the two leaders or their designees.

The ACTING PRESIDENT pro tempore. Senator from Illinois.

FILIBUSTER

Mr. DURBIN. Mr. President, it has been my good fortune to serve in the

Senate for 24 years. I have great respect for this institution and continue to believe that the men and women who serve here are extraordinary examples, by and large, of public service and that we have done great things of a historic nature.

I think of the days of the Obama Presidency, when we had to rescue our economy, make reforms on Wall Street that made a difference, and build a public health system that we have aspired to for decades. We achieved those goals—not easily—with hard work and determination. I am glad to have been a part of it.

When I hear the Republican leader come to the floor and talk about his memory of the Senate, I hasten to add: There is another side to the story. I will come to the floor in a few days to outline the history of the filibuster, but I am sure the Senator from Kentucky, who has been in the Senate—and his staff—in elected capacity for decades, would concede this point: Up until the 1960s, the filibuster was rarely used in this U.S. Senate. The demand for, once, 67 votes, then 60 votes was rare.

Oh, it was remembered that, in the 1960s, civil rights legislation foundered on the floor of this U.S. Senate because of the filibuster, but it was rarely applied. That changed. It changed under the Senator from Kentucky's leadership. It became so commonplace—the filibuster was being used so frequently—that it led to Senator Reid, then the Democratic leader, making some fundamental changes in the Senate rules.

I remember that day very well, and I remember the anguish that Senator Reid felt at the time. But he felt he had no recourse because the filibuster had become commonplace, the 60-vote requirement commonplace.

I don't know exactly what the argument is from the other side at the moment, but I think any fairminded Senator would concede the Senate is capable of doing great things; it is capable of being deliberative; yet it still can be decisive.

There comes a time when we should act. And to merely let every issue get mired down into a 60-vote requirement and filibuster and nothing come out of this Chamber as a result cannot be what our Founding Fathers envisioned for the world of the U.S. Senate.

I want to address that issue at another time in more detail, with facts and figures on the use and misuse of filibuster, but at this moment I would like to raise another question, which is related.

NOMINATION OF ALEJANDRO NICHOLAS MAYORKAS

Mr. President, we are in the midst of a global pandemic. More than 420,000 American lives have been lost. Just 3 short weeks ago, 20 days ago, this Capitol, this age-old symbol of America, was attacked by homegrown domestic terrorists. It was overrun for the first time since the British invasion in the War of 1812.